IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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C.W.P NO.15433 OF 2006

Date of decision : November 29, 2006

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Amar Singh .....Petitioner

Vs.

HUDA and others .....Respondents

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CORAM: HON'BLE MR. JUSTICE VINEY MITTAL
HON'BLE MR. JUSTICE H.S BHALLA

Present: Mr. Arun Jain, Mr. Ashok Khubbar, Mr. Sanjeev Kaushik, Mr. Narender Singh, Mr. Chetan Mittal, Mr. Dinesh Kumar Gupta, Ms. Anita Balyan, Mr. Lokesh Sinhal, Advocates for the petitioners.

Mr. H.S Hooda, Advocate General, Haryana with Mr. Ashok Jindal, Additional Advocate General, Mr. Arun Walia, Mr. Ajay Nara, Mr. J.P Bhatt, Mr. Manish Bansal, Mr. Mukesh Verma, Mr. Sikander Bakshi and Mr. Gaurav Mohunta, Advocates for the respondents.

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Viney Mittal, J. (Oral)

Present writ petition along with the other connected matters have been taken up for further hearing today.

Sh. S.S Dhillon, Chief Administrator, HUDA is present in the Court. He has informed the Court that a new policy with regard to the allotment of plots to the oustees has already been forwarded by his office to the State Government for grant of a formal approval. But the aforesaid approval has not been granted so far. Sh. Dhillon has stated that as and

when the aforesaid new policy is formulated, the claim of such oustees, which are covered under the aforesaid policy, shall be decided in accordance with the new policy. Sh. Dhillon has further offered that with a view to settle all the claims of such claimants, which are pending before any Court, including this Court, and any other Forum and also the claims of such other persons who have already filed a representation claiming the allotment of plots as an oustee/oustees or have issued a legal notice in this regard to the HUDA authorities, shall be re-examined by the authorities. Sh. Dhillon has offered that for the aforesaid re-examination, an "Oustees Adalat" shall be constituted with regard to each of the zones demarcated by HUDA, comprising of the Zonal Administrator, the concerned Estate Officer of the urban estate and the District Town Planner. The aforesaid Oustees Adalats shall re-examine the claim of all the aforesaid persons. On such re-examination, the aforesaid Adalat shall pass a speaking order dealing with the claim of the aforesaid claimants. It has also been assured by Sh. Dhillon that the aforesaid Oustees Adalats shall deal with such claims in accordance with the existing policies, as applicable to the claim of the claimants, and in accordance with law. Sh. Dhillon has also stated that with a view to re-examine the claims of the aforesaid claimants, individual notice/notices shall be issued in accordance with law. He has further stated that an endeavour shall be made by the Oustees Adalats to settle the aforesaid claims of the said claimants within a period of 6 months.

Sh. Dhillon has, very fairly, further stated that if an order adverse to s claimant is passed by the aforesaid Oustees Adalat, then an Apex Appellate Body comprising of the Administrator Headquarters, Panchkula and Chief Town Planner, HUDA, Panchkula, shall be constituted. An order adverse to any claimant can be challenged by the aggrieved person within a period of 30 days of the communication of the aforesaid order to such a claimant. On receipt of the aforesaid appeal, the aforesaid Appellate Body shall again take into consideration the grievance made by such an appellant and shall also pass a speaking order.

However, Sh. Dhillon has stated that no fresh claims of any other persons, except as detailed above, shall be entertained.

We find that the aforesaid offer made by Sh. S.S Dhillon, learned Chief Administrator, HUDA is not only fair but is also with a view

to avoid any unnecessary litigation. We definitely appreciate the cooperation of the Chief Administrator and the spirit in which the said offer is made. All the learned counsel appearing for the writ petitioners in all the cases have very fairly accepted the offer made by Sh. S.S Dhillon.

In view of the aforesaid offer made by the Chief Administrator, HUDA as accepted by the learned counsel appearing for the petitioners, we dispose of the present writ petitions in terms of the offer made by Sh. Dhillon.

A copy of this order be given dasti to Sh. Ashok Jindal, Additional Advocate General, Haryana for forwarding the same to the Chief Administrator, HUDA for requisite implementation.

A copy of the order be given dasti on payment of the usual charges.

(VINEY MITTAL)
JUDGE

November 29, 2006
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(H.S BHALLA)
JUDGE